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Paper No. 15

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San Francisco, CA 94102

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APR 16 2004

**OFFICE OF PETITIONS
ON PETITION**

In re Application of :
Vashchenko :
Application No. 09/896,681 :
Filed: June 29, 2001 :
Attorney Docket No. 75292/12849 :

This is a decision on the petition under 37 CFR 1.137(a), filed April 1, 2004, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any reconsideration request should be entitled "Renewed Petition under 37 CFR 1.137(a)."

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed May 28, 2003, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on August 29, 2003. A Notice of Abandonment was mailed on March 18, 2004.

In the absence of any irregularity in the mailing of the Office action, there is a strong presumption that the Office action was properly mailed. In order to overcome this presumption, a petition alleging non-receipt of an Office action must:

- (1) include a statement from practitioner stating that the Office action was not received,
- (2) attest that a search of the file jacket has been made,
- (3) attest that a search of all relevant docket records has been made, and
- (4) include a copy of the docket record where the Office action would have been entered had it been received.

As to (2), petitioner has not explicitly stated that a search of the file jacket has been performed.

As to (3) and (4), petitioner has not discussed the docket records and has not supplied a copy of the records showing where the Office action would have been entered had it been received.

Petitioner should supply the above information. A copy of the prior Office action is attached so that petitioner may file a reply along with the request for reconsideration.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (703) 872-9306
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

If a request for reconsideration is filed, and a decision on the new petition is not received within three months, petitioner may wish to call the number below to check on the status of the renewed petition.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.



Charles Steven Brantley
Petitions Attorney
Office of Petitions

Attached: Office action mailed May 28, 2003